UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/AC.4/1991/2
3 June 1991

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Working Group on Indigenous Populations
Ninth session
22 July-2 August 1991
Item 4 of the provisional agenda

STANDARD-SETTING ACTIVITIES: EVOLUTION OF STANDARDS CONCERNING THE RIGHTS OF INDIGENOUS POPULATIONS

Information received from United Nations organs, specialized agencies and intergovernmental organizations

CONTENTS

	Paragraphs	Page
INTRODUCTION	1 - 3	2
I. Information submitted by United Nations organs	4 - 5	2
A. United Nations Centre on Transnational Corporations	4 - 5	2

GE.91-12134/0370H

INTRODUCTION

1. By its resolution 1982/34 of 7 May 1982, the Economic and Social Council authorized the Sub-Commission on the Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous populations, including information requested by the Secretary-General annually, and to give special attention to the evolution of standards concerning the rights of indigenous populations.

2. The Sub-Commission, in its resolution 1990/26, requested the Secretary-General to transmit the report of the Working Group to intergovernmental organizations for specific comments and suggestions aimed at clarification, simplification and generalization of the texts contained in the annexes. The Commission on Human Rights endorsed this request in its resolution 1991/59 of 6 March 1991. In accordance with these resolutions, appropriate communications were sent to intergovernmental organizations on 10 December 1990.

3. The present document contains replies received as of 31 May 1991 from intergovernmental organizations commenting on the first revised text of the draft universal declaration of indigenous rights, as well as the suggestions made by the informal drafting groups. Further replies, if any, will be included in addenda to this document.

I. INFORMATION SUBMITTED BY UNITED NATIONS ORGANS

A. United Nations Centre on Transnational Corporations

4. The United Nations Centre on Transnational Corporations considers that it is important that the draft universal declaration go beyond existing declarations and conventions, particularly the ILO Convention No. 169. Therefore, it seems important to mention the right to self-determination in the operative parts of the declaration and not just in the preamble. The Centre believes that most people understand that self-determination does not imply the right to independent statehood but rather that of participating in decisions which affect their traditions, culture and legal, social and economic structures especially as these are tied to the lands which indigenous groups have traditionally occupied. The right to self-determination might enable indigenous peoples to continue to occupy, manage and use such lands as well as to promote efforts to manage and use them in ways consistent with sustainable development.

5. The Centre has previously commented on paragraph 17 regarding the role of TNCs and is generally satisfied with the current wording. The Centre would like to point out that since that time it has developed a set of Criteria for Sustainable Development Management for TNCs. The Criteria require that TNCs carry out their business decisions in a manner compatible with the rights of local people and nature. This requirement could be used by Governments to develop policies on how TNCs should behave with regard to the use of human and natural resources in developing countries and hence would apply to indigenous peoples.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/AC.4/1991/2/Add.1
4 July 1991

Original: ENGLISH

COMMISSION OF HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Working Group on Indigenous Populations
Ninth session
22 July-2 August 1991
Item 4 of the provisional agenda

STANDARD-SETTING ACTIVITIES: EVOLUTION OF STANDARDS CONCERNING THE RIGHTS OF INDIGENOUS POPULATIONS

Information received from United Nations organs, specialized agencies and intergovernmental organizations

Note by the Secretary-General

Information submitted by the United Nations Conference on Environment and Development

1. The Secretariat of the United Nations Conference on Environment and Development has the honour of informing you of the steps which have been taken to provide indigenous peoples with effective means of participating directly in the work of the Conference and to ensure that the traditional knowledge and practices of indigenous peoples are taken into account during the preparatory process leading to the Conference.

2. At its 39th meeting, on 5 April 1991, the Preparatory Committee for the United Nations Conference on Environment and Development requested in Decision 2/7 (Report of the Preparatory Committee, A/46/48, Part 1) that, in preparing reports for its future sessions, the Secretariat take into account the traditional knowledge and practices of indigenous people for the sustainable use, conservation, management and development of natural resources; the means of strengthening the viability and sustainability of

those practices in the context of economic growth and development; and the relevance of those practices to the issues of environment and development under consideration by the Preparatory Committee. A copy of the relevant decision is contained in the annex.

3. There are several ways in which we have responded to these requests. Firstly, an indigenous consultant has been contracted to review the documents prepared by the UNCED Secretariat for consideration by the Preparatory Committee and by the Conference in June 1992 to ensure that the concepts and views of indigenous peoples are incorporated.

4. Secondly, in our efforts to facilitate the participation in the UNCED process of relevant non-governmental organizations, particular attention has been paid to ensuring the involvement of key indigenous people's organizations. During the second session of the Preparatory Committee, the eight indigenous people's organizations which applied were accredited to UNCED:

Coordinadora de las Organizaciones Indigenas de la Cuenca Amazonica
Four Directions Council
Grand Council of the Crees
International Indigenous Commission
International Organisation of Indigenous Resource Development
Inuit Circompolar Conference
Native Council of Canada
Nordic Saami Council

The application of other indigenous organizations for accreditation during the third and fourth sessions of the Preparatory Committee would be most welcome.

5. UNCED would also note that particular attention has been paid to the incorporation of the traditional practices and views of indigenous peoples in the work of the Secretariat concerning biodiversity and other areas, and it is to be hoped that this will be reflected in decisions taken in this area by the Preparatory Committee and the Conference.

Annex

INDIGENOUS PEOPLE AND LOCAL COMMUNITIES

The Preparatory Committee, recalling General Assembly resolution 45/164 of 18 December 1990 declaring 1993 to be the International Year for the World's Indigenous People and the relevant provisions of the "Tlatelolco Platform on Environment and Development" adopted at Mexico City on 7 March 1991, 1/ and recognizing the important contribution that the participation of indigenous people and local communities can make to the United Nations Conference on Environment and Development:

(1) Requests the Secretary-General of the Conference in preparing reports for the future sessions of the Preparatory Committee to take into account:

- traditional knowledge and practices of indigenous people and other other local communities for the sustainable use, conservation, management and development of natural resources and their special relationship to the environment;

- means of strengthening the viability and sustainability of those practices in the context of economic growth and development;

- and the relevance of those practices to the issues of environment and development under consideration by the Working Groups and the Plenary of the United Nations Conference on Environment and Development; and

(2) Invites governments, international organizations and non-governmental organizations, in particular those representing indigenous people and local communities, to contribute information to the Secretariat on the above issues in order to assist it in preparing these reports.

1/ See document A/Conf.151/PC/L.30.